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Sep 24 1992

Supreme Court, U.S.
FILED
SEP 21 1992
OFFICE OF THE CLERK

No. 92-254

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1992

JAY B. BRIGHT, PETITIONER, Pro Se

v.

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS COUNCIL OF AAUP CHAPTERS
FEDERAL BUREAU OF INVESTIGATION
IMMIGRATION AND NATURALIZATION SERVICE
NEW JERSEY DIVISION OF STATE POLICE
- RESPONDENTS

On Petition for a Writ of Certiorari
to the U.S. Court of Appeals - 3d Cir

REPLY BRIEF OF PETITIONER
vis-a-vis Brief in Opposition (or Waiver)
of each one of the four respondents
in this single volume

Jay B. Bright, Petitioner, Pro Se
212 - B Hillcrest Avenue
Collingswood NEW JERSEY 08108
(609) 854 7809

September, 1992

No. 9 2 - 2 5 4

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JAY B. BRIGHT, PETITIONER, Pro Se

V.

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RUTGERS COUNCIL OF AAUP CHAPTERS
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L I S T O F P A R T I E S :

Please see next page . . . . . .

0.1 LIST OF PARTIES :

The Petitioner, Pro Se, :

Jay B. Bright, 212 B Hillcrest Ave,

Collingswood, New Jersey, 08108

The Respondents :

FOR RUTGERS UNIVERSITY:

Aron Schwartz,Esq,

77 Headquarters Pl N,

Morristown, NJ, 07960;

FOR RUTGERS COUNCIL OF AAUP CHAPTERS:

Denise Reinhardt,Esq, 744 Broad St.,

Newark, NJ, 07102;

FOR NEW JERSEY: Michael Furda,Esq,

CN 116, Trenton NJ, 08625;

FOR THE UNITED STATES :

Kenneth Starr

Solicitor General of the U.S.

Washington DC 20530

T A B L E O F C O N T E N T S

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0.2 TABLE OF AUTHORITIES

In this REPLY BRIEF of Petitioner, Pro Se, no cases, statutes, rules etc. have been cited, as the Reply is an overview of the Briefs in Opposition / Waivers received.

0.31 N O T A T I O N :

[i] D.S.I. = Docket Sheet Item in the U.S.Dist Court

[ii] "I, me. . ." = the Petitioner (Plaintiff; Appellant; Pro Se)

0.32 T H E C O N T E X T :

0.321 The Petitioner, Pro Se ("I, me. . ."), filed his Petition, initially titled "Petition for an Extrordinary (Supervisory) Writ", on July 14,1992. The Clerk of this honorable Court asked me (i.e., the Petitioner, Pro Se) to correct the title of my Petition to a title requesting a Certiorari Writ, and also requested changes in the format of the initial Petition. I then refiled the Petition with the revised title, "Petition for a Writ of Certiorari", and margin corrections, received by the Clerk on August 10,1992.

0.322 I (plaintiff / appellant / petitioner) also filed, simultaneously with

my Petition, a set of three motions.

0.40 RESPONDENT COUNSEL'S VIOLATION OF THE RULES OF THIS COURT VIS-A-VIS THEIR BRIEFS IN OPPOSITION OR WAIVERS :

(the Clerk of this hon. Court was promptly alerted by me regarding these via my letters to the Clerk dated Sept 8,1992 and Sept 12,1992)

0.41 Of the four Respondent counsel, the counsel for the principal Respondent, Rutgers University, "apparently" filed his Brief in Opposition on Sept 9,1992 but in violation of Court Rules/Established Procedure. He

[i] has avoided signing his said brief, and

[ii] mailed copies of his said brief late (i.e., following said filing). Their envelope, delivered through the US Postal Service, bears no cancellation marks of the US Postal Service, and, as numerous

times before, shows some jumbled and illegible circular smudges which are on a transparent tape smoothed over the stamps rather than on the envelope. I received it late, and said counsel's printer who mailed me the copies has avoided getting the Certificate of Service notarized though required.

Said counsel's Brief in Opposition contains numerous falsehoods and fabrications, and this may be the motive for him to avoid signing his brief in question. Furthermore, massive and chronic court related fraud committed by said counsel /his clients in the courts below **includes** mail fraud, that related to fraudulent affidavits, withholding of evidence and filing falsified and fraudulent documents.

Please see in this regard the following:

Petition para 9.09 / Petition p 35

,, para 9.20 / Petition pp 43, 44

,, Apdx J 5 / Petition p A71

,, Apdx K / Petition pp A80, A81.

0.42 The Brief in Opposition of respondent "Rutgers Council of AAUP Chapters" (the faculty union, i.e., the local branch of the national AAUP),a peripheral organization of Rutgers University, also seriously violates the Rules of this Court : the person signing it, one Schachter, [i] has not filed appearance papers with this Court and was not counsel of record in the courts below; [ii] has avoided getting notarized the Certificate of Service(Mailing)[1] ; [iii] misleads the Court by falsely claiming that he, Schachter, is counsel of record (which he is not); and [iv] falsely claims at the bottom of the title page that he is counsel for respondent Rutgers University.

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[1] The envelope with said contrived copies

of Rutgers Council (AAUP), as numerous times before, bears no postal cancellation marks though delivered by the US Postal Service. One of the Respondents, United States, and other Respondents/ defendants have ongoingly "used" the US Postal Service (USPS), and private carriers such as the UPS and the Federal Express since the filing of the Dist Ct Complaint to unlawfully and maliciously manipulate all materials I receive (or send out). **Please see in this regard** : Petition pp A92, A94.

Even mail received from this court (the Supreme Court of the U.S.) has ongoingly shown no cancellation marks, and the envelopes never show any sign of the s'ight wear and tear one would expect if the mail has passed through the USPS.

As to Schachter's and Reinhardt's said exercise in comtempt of this Court, there are at least two motives :

first, the Brief in Opposition signed by Schachter contains a series of contrived statements and untruths; so that Reinhardt (who is and has been the counsel of record for the Rutgers branch of the AAUP) can, if necessary, disavow the untruths in said Brief in Opposition.

Secondly, said brief cites affidavits by Reinhardt in the Dist Ct which are blatantly fraudulent and were vouched for

in the Dist Court by Schachter, signing as if he were a notary public (which he is not).

Counsel of record for the Rutgers Council (the faculty union, or the "AAUP" branch) Reinhardt, said Schachter, and numerous AAUP members have a long record of blatant and persistent court related and other fraud in the courts below **including** mail fraud and fraud related to filing fraudulent affidavits, among other. Please see in this regard :

Petition Apdx J 8 / pp **A**75, **A**76

,, Apdx J 10 / p A79, A80

,, Apdx K / p A80, A81

0.421 I respectfully urge the Court to grant me my motions pending before the Court which include a motion to permit me to file further and future filings on page-size 8 1/2" x 11" since substantial court fraud and obstruction of justice involving defense counsel, de-

fendants, clerks of the courts below, the Dist Magistrate and the Dist Judge involve profuse evidence on 8 1/2" x 11" size paper which is the size used in the Federal courts below.

As a Pro Se, unemployed petitioner (blacklisted by two of the respondents as charged in the Dist Ct Complaint), the Court's granting said motion would be of great help to me.

0.43 The Counsel for respondent U.S. - the Solicitor General - has **also** violated **established court procedure** via-a-vis his Waiver filed Sept 3,1992, by

[i] not signing his Waiver;

[ii] altering the case number assigned to this case; and

[iii] altering the case title assigned to this case including an alteration of the name of the Petitioner.

As the courts change over to computer-

ized file-creation and filing, the latter two items are as serious as the first, especially since the counsel for the U.S. in the courts below, an Asst U.S. Attorney and another Asst U.S. Attorney not counsel of record in this case in the courts below, have on several occasions in the Dist Ct below, resorted to unlawfulness including alteration of documents and also to otherwise wilfully misleading the Federal judicial system to the plaintiff / Petitioner's detriment.

The Dist Court COMPLAINT itself charges individuals in the U.S. government and in the New Jersey government -- several of them in high positions, with strong ties with Rutgers University and its Law School located one block from and right behind the U.S.Court House - with engaging in a prolonged conspiracy with individuals in Rutgers University and its faculty union , and with, among other,

building fraudulent and malicious dossiers on me plaintiff/appellant//Petitioner. Said dossiers were unlawfully denied me despite repeated motions in the Dist court.

- Please see in this regard

Petition Apdx H /Petn pp A45 through A50.

Petition para 8.6 / Petn p 20

,, para 9.08 / p 33

,, para 9.11 / p 37

,, para 9.16 / p 41

,, para 9.17 / p 42

,, para 9.40 / p 45

0.44 In view of paragraphs 0.41, 0.42, and 0.43 supra, it is **respectfully requested that said filings be removed from the docket of this Court.**

0.441 - I had promptly alerted the Clerk of this Court of the above violations of Court Rules via my letters to him of Sept 8,1992 and Sept 12,1992.

1.0 PETITIONER'S **R E P L Y** IN THE FORM OF AN OVERVIEW OF THE CASE :

1.1 The Petitioner ("I, me...") seeks an Extraordinary (Supervisory) Writ or in the alternative, a Certiorari Writ (latter to the U.S.Court of Appeals for the Third Circuit) and requests this honorable Court to step in to correct blatant, persistent and extreme usurpation of power including repeated defraudation of Dist court documents by the Dist Judge; the Dist Judge's chronic tolerence and active endorsment of massive court related fraud and other unlawfulness by the defense counsel and by defendants; ongoing affirmance of the above by the U.S. Court of Appeals with never an opinion; and several instances of violations of established and lawful judicial procidure by the Clerks of **both** the Dist Court and the Court of Appeals - all within a one-mile radius of prinicipal

defendant Rutgers University including its Law School.

1.2 The basis of my Petition is

[i] 28 USC S 1651 (a) ; and

[ii] **that portion** of S Ct Rule 10.1(a) which corresponds to a U.S.Court of Appeals endorsing "... such a departure by a lower court so as to call for an exercise of this court's power of supervision".

Thus, there is no question of there being or not being a conflict between the C.A.'s opinion and that of other Courts of Appeal. As such, the C.A. has not filed any opinion on Dist Ct proceedings - neither on my final appeal before that court, nor on a preceding Mandamus Petition, nor on my two different interlocutory appeals before.

1.3 The case is concerning a conspiracy to abridge my civil and Constitutional rights spanning the period 1984

through 1988(when the Dist Ct Complaint was filed) involving the defendants, among others; and such conspiracy continues **even now.** The Complaint is clear on the point. I respectfully deny any contention that unlawful acts of defendants somehow began and ended in 1984. Please see in this regard

[i]

Petition para 9.14 / Petn pp 40, 41

,, para 9.40 / Petn p 45

,, Apdx H / Petn pp A49, A50 ;

[ii]

For the list of statutes invoked in the District Court, my Petition pp 13, 14 therein ;

1.4 I respectfully reiterate that the fundamental tenet which was violated in the courts below in this case is the tenet that **full and lawful** discovery of facts must **precede** any evaluation of statutes invoked, or other proceedings, in

any lawsuit.

In this case, as I have contended and profusely and meticulously documented in my Petition, the Dist Judge repeatedly and with malice obstructed justice vis-a-vis **all four** defendants; and the U.S.Court of Appeals repeatedly (in two of my interlocutory appeals, in a Mandamus Petition, and in the final appeal) endorsed such with never an Opinion, with clerks and staff attorneys in both courts also actively engaging in obstruction of justice.

Please see in this regard

Petition para 8.6 / Petition p 20
,, para 8.90 / Petition p 23
,, para 8.91 / Petition p 24
,, para 8.95 / Petition p 25
,, para 9.08 / Petition p 33
,, para 9.09 / Petition p 35
,, para 9.10 / Petition p 36
,, para 9.11 / Petition p 37
,, para 9.13 / Petition pp 39, 40

,, para 9.15 / Petition p 41

,, para 9.16 / Petition p 41

,, para 9.17 / Petition p 42

,, para 9.19 / Petition p 43

,, para 9.20 / Petition pp 43, 44

,, para 9.30 / Petition p 44

,, para 9.40 / Petition p 45.

1.5 Another fundamental tenet upon which my Petition is based is that there must be just and lawful administration of justice; and in the Dist Ct proceedings, the Magistrate and the Judge resorted to extreme and repeated usurpation of power, permiting unlawfulness in the court, and they themselves resorting to such.

Please see in this regard the following :

Petition para 8.6 / Petition p 20

,, para 8.90 / Petition p 23

,, para 8.91 / Petition p 24

,, para 8.95 / Petition p 25

,, para 9.08 / Petition p 33 →

,, para 9.09 / Petition p 35

,, para 9.10 / Petition p 36

,, para 9.11 / Petition p 37

,, para 9.12 / Petition p 38

,, para 9.13 / Petition p 39

,, para 9.14 / Petition p 40

,, para 9.15 / Petition p 41

,, para 9.16 / Petition p 41

,, para 9.17 / Petition p 42

,, para 9.19 / Petition p 43

,, para 9.20 / Petition p 43

,, para 9.30 / Petition p 44

,, para 9.40 / Petition p 45

,, para 9.50 / Petition p 46

1.6 The U.S.Court of Appeals for the Third Circuit also tarnished the administration of justice. Please see in this regard :

Petition para 8.8 / Petition p 23

,, para 8.92 / Petition p 24

,, para 8.93 / Petition p 25

,, para 9.12 / Petition p 38

→

,, para 9.18 / Petition p 43

,, para 9.60 / Petition p 46

,, para 9.61 / Petition p 47

,, para 1.5.01 / Petition p A121

,, para 1.5.02 / Petition p A121

,, para 2.00 / Petition p A121.

2.01 The case law I have cited in my Petition appears on pp 49 and 50 of my Petition.

3.01 The Statement of the Case and Facts of the Case are as I have presented in my Petition.

4.01 Witnessed in this case is not just substantial and ongoing obstruction of justice, but also an improper and unlawful involvement of the executive branch of the Federal government in such.

5.01 As to the question presented in my Petition regarding the EEOC matter - which is just one of a number of counts or headings in my Dist Ct Complaint - the fact that Rutgers University refused to

provide me with **statistics** on relative salaries in the department, that I filed the EEOC complaint within 180 days of such, and that Rutgers then provided falsified and fraudulent data to the EEOC and later to the Dist Court, remains uncontroverted.

Please see in this regard

Petition para 9.09 / Petition p 35

Petition para 9.20 / Petition pp 43,44.

6.1 CONCLUSION AND REMEDY SOUGHT :

I respectfully request that this honorable Court look into this case in exercise of this Court's role of judicial supervision of the administration of justice in the interest of maintaining established standards of procedure and of evidence. In the courts below (both being Federal courts) the District Judge severely tarnished judicial cannons of rigorous and impartial justice; and the

Court of Appeals repeatedly failed to correct such, exhibiting additionaly a questionable conduct of its own.

Respectfully submitted,

Jay B. Bright / Sept. 21, 1992

Jay B. Bright, Ph.D.
Petitioner, Pro Se
212 B Hillcrest Avenue
Collingswood NEW JERSEY 08108
(609) 854 7809